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December 9, 2019

VIA ECF

U.S. District Judge Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Cindy Barad Elias v. Gettry Marcus CPA, P.C. and Marc Heppen, CPA*
Docket No. 17-cv-4066

Dear Judge Ramos:

We represent defendants Gettry Marcus CPA, P.C. and Marc Heppen, CPA with respect to the above-referenced action.

In accordance with the Court's and Your Honor's Individual Practice Rules, with the consent of plaintiff, we are writing on behalf of all parties to seek an extension of discovery deadlines in order to allow the parties to complete agreed-upon private mediation, which involves several out-of-state requisite participants, by April 2020. Pursuant to the Court's pending Civil Case Management and Scheduling Order (ECF No. 49), the current deadline to complete discovery is **June 30, 2020**, with fact depositions of all parties to be completed by December 31, 2019. With the consent of all parties and on behalf of all parties, the parties seek to extend the discovery deadline up to and including December 31, 2020, so that the parties can complete private mediation, which should be completed by April 2020, and set forth the following schedule:

- Non-expert depositions shall be completed by June 30, 2020;
- Requests to Admit, if any, shall be served no later than July 31, 2020;
- Expert reports shall be served no later than August 31, 2020;
- Rebuttal expert reports shall be served no later than October 31, 2020;
- Expert depositions shall be completed by December 15, 2020;
- All discovery shall be completed by December 31, 2020; and
- The next case management conference shall be scheduled in December 2020 (or at a date convenient for the Court).

This is the first discovery extension request that has been sought by any party, plaintiff has consented to this application, and both parties jointly agree that an extension of the current discovery deadlines is required in order to complete private mediation and related discovery.

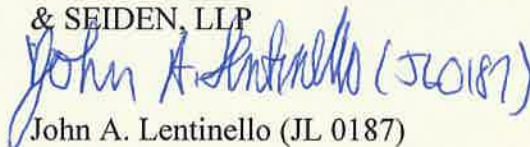
While the parties have made material progress in completing document production, there remain certain discovery disputes that the parties are attempting to resolve amongst themselves in good faith. The requested extension of the discovery deadlines will allow for this process to continue, hopefully without the need for Court intervention. As such, all parties, at this juncture, seek an extension of time to complete discovery as set forth in the proposed schedule above. Accordingly, all parties respectfully request that the Court's discovery schedule be extended pursuant to the schedule described above to allow the parties to conduct a private mediation to prospectively resolve the action.

Thank you in advance for your kind consideration in this matter.

The July 1, 2020 case management conference is adjourned to January 6, 2021, at 11:00 a.m.

Respectfully submitted,

MILBER MAKRIS PLOUSADIS
& SEIDEN, LLP

 (JL 0187)
John A. Lentinello (JL 0187)

JAL/ga

cc: All counsel via ECF

SO ORDERED:


Edgardo Ramos, U.S.D.J

Dated: 12/10/2019

New York, New York